

REMARKS

The Examiner objected to claim 47 because of the informality that it was unclear to the Examiner what "...point to be selected" represented. Reconsideration of this objection is requested, particularly in view of the newly amended claim 47. A user is selecting a point in the visualization of the three-dimensional data set. The selection unit selects the reference point on the display volume virtual surface and then the direction unit specifies a direction from the reference point to the point being selected in the visualization. Then a distance unit sets a distance value from the reference point along the direction to the point being selected in the visualization. This is readily understood in view of the Fig. 1 preferred embodiment where one can see the reference point at 23, the point being selected at 14, the direction along the dashed line, and the distance along the dashed line from 23 to 14. Claim 1 is readily understandable to one skilled in the art in view of the preferred embodiment.

Claims 1-5, 7-8 and 47 were rejected under 35 U.S.C. §102 as anticipated by Cosman. Reconsideration is respectfully requested for the following reasons. As amended, claim 1 positively recites, in addition to the preamble, that a point is being selected by a user in a visualization of a three-dimensional data set and the selection unit which selects a reference point, a direction unit which specifies a direction from the reference point to the point being selected, and a distance unit which sets a distance value from the reference point along the direction to the point being selected by the user, all recited as occurring in the visualization of the three-dimensional data set. Cosman is not relevant because Cosman is only directed to a system and method for stereotactic registration of image scan data, and the purpose of Cosman's disclosure is to provide a system to be able to give ongoing positional correspondence between a location in a patient's anatomy (for example the brain)

and a tomographical image thereof (column 1, line 83 to column 2 line 12). Thus in Cosman, points are selected on an anatomy of a patient (points 822, 824, 826, and 828 in Fig. 8c) with the help of a space probe (808). Either the position of these physical points in a "real" coordinate system (804) and "image surface" (790) is constructed that can be correlated to a coordinate system (788) of an image scanner. From the above description, it is clear that there is no relationship at all to selecting a point by a user and a visualization of a three-dimensional data set, and Cosman does not teach such a selection of a point by a user in the visualization given the three structures recited in claim 1, namely the selection unit for the reference point, the direction unit to specify the direction, and the distance unit to set the distance from the reference point along the direction to the point being selected in the visualization. Cosman only teaches how to correlate a three-dimensional visualization of data of an image scanner with a patient's anatomy to help orientation in the patient's anatomy.

Also Cosman does not teach, as recited in claim 1, anything about a distance unit to set a distance value from the reference point along the direction to the point being selected in the visualization. The ultrasonic unit 1068b in Fig. 19b is not used to set any distance value chosen by a user, but is to detect a given distance between, for example, the end of the probe 1068b and a bony object 1048b with the help of an ultrasound distance detector 1068b (see column 26, lines 36-54).

Dependent claims 2-15 distinguish at least for the reasons noted with respect to claim 1 and also by reciting additional features not suggested.

Independent claim 47 distinguishes in a manner similar to claim 1.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

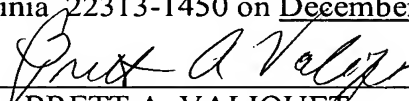
Respectfully submitted,

 (Reg.No.27,841)

Brett A. Valiquet
Schiff Hardin LLP
Patent Department
6600 Sears Tower
Chicago, Illinois 60606
Telephone: (312) 258-5786
Attorneys for Applicants.
CUSTOMER NO. 26574

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 4, 2007.



BRETT A. VALIQUET

CHI\5349424.1